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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

October 3, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 87-268

Dear Mr. Caton:

Transmitted herewith, on behalf of Central Virginia Educational Telecommunications Corp., licensee of noncommercial educational station WNVC(TV), Fairfax, Virginia, are an original and four copies of its "Reply to Opposition to Supplement to Petition for Reconsideration and Clarification" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with the undersigned.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump
Counsel for Central Virginia Educational
Telecommunications Corp.

Enclosures

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10/3/97

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Federal Communications Commission

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OCT - 3 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems and) MM Docket No. 87-2681
Their Impact Upon the Existing)
Television Broadcast Service)

Directed to: The Commission

**REPLY TO OPPOSITION TO
SUPPLEMENT TO PETITION FOR RECONSIDERATION AND CLARIFICATION**

Central Virginia Educational Telecommunications Corp., licensee of noncommercial educational station WNVC(TV), Fairfax, Virginia ("WNVC"), by its attorneys, hereby respectfully submits its Reply to the "Opposition to Supplement to Petition for Reconsideration" filed by Paxson Communications Corporation ("PCC"), parent of the licensee of commercial television station WVVI(TV), Manassas, Virginia, with regard to WNVC's request for change in DTV channel allotment. With respect thereto, the following is submitted:

1. In its "Supplement to Petition for Reconsideration," WNVC requested a change in WNVC's DTV channel allotment from Channel 57 to Channel 36. In order to accommodate this change, WNVC also requested that the DTV allotment for WVVI(TV), Channel 66, Manassas, Virginia, be changed from Channel 36 to Channel 43. As set forth in the Engineering Statement attached to WNVC's "Supplement to Petition for Reconsideration," both changes can be made in accordance with the Commission's Rules, and both meet DTV spacing requirements at the stations' licensed NTSC sites.

2. WNVC, which currently operates on Channel 56, is a public television station with both its NTSC and DTV channel assignments outside the core channels. As noted in WNVC's "Supplement to Petition for Reconsideration," this position creates substantial difficulties for noncommercial educational stations with their limited operating budgets. In order to alleviate these difficulties, WNVC located a substitute DTV channel for its operations, Channel 36. In order to accommodate this change, it was necessary to find a substitute channel for the DTV channel allotted to WVVI(TV). WNVC found that Channel 43 could be allotted for use as the DTV channel for WVVI(TV) in compliance with the Commission's Rules.

3. PCC now opposes WNVC's request for change in DTV channel on the grounds that it would create new interference to PCC's station. This objection is misplaced, however, with regard to the adoption of the initial DTV Table of Allotments. The requirement that a party proposing a modification to the DTV Table of Allotments show that no new interference would be caused is located in the section of the Commission's Sixth Report and Order entitled "Future Allotments and Modifications to the DTV Table." Sixth Report and Order in MM Docket 87-268, FCC 97-115, released April 21, 1997, at Section VII(B). Thus, the requirement that no new interference be caused is inapplicable to adjustments to be made to the initial DTV Table of Allotments in the reconsideration process. Indeed, the Commission expressly notes that, in order to assign one DTV channel to each NTSC station, some interference is inevitable. Id. at Paragraph 85.

4. Further, as set forth in the attached Engineering Statement, a WVVI(TV) DTV operation on Channel 43, as proposed by WNVC, would enjoy a distance separation from co-channel stations comparable to that of many other stations' allotments as set forth in the DTV

Table of Allotments in the Sixth Report and Order. If WVVI(TV) were to operate a DTV facility on Channel 43 from its current transmitter site, the distance separation to the nearest co-channel station (WPMT(TV), York, Pennsylvania) would be 151.3 kilometers. As shown at Table I of the attached Engineering Statement, that distance is comparable to the distance separations afforded ten other pairs of stations listed in the DTV Table of Allotments in the Sixth Report and Order. In fact, the 151.3 kilometer separation exceeds the distance separations of at least four other pairs of stations. Accordingly, it is clear that the Commission has approved allotments with co-channel station locations separated by distances comparable to or lesser than that between WVVI(TV) and WPMT(TV). Therefore, the request for change in WVVI(TV)'s DTV channel from Channel 36 to Channel 43 should be granted.

5. PCC also complains that WNVC provided it with no way in which to evaluate WNVC's statement that Channel 43 would provide virtually full replication of its current service area. Attached to WNVC's "Supplement to Petition for Reconsideration," however, were maps clearly depicting WVVI(TV)'s current service area, as well as its predicted service areas for both a Channel 43 and a Channel 36 operation. Thus, the maps were, in fact, readily available for PCC to make a comparison as to WVVI(TV)'s predicted service areas on both its current and its proposed DTV channels.

6. As set forth previously, any slight increase in interference is clearly outweighed by the public service benefits of providing noncommercial educational station WNVC with a DTV allotment within the core channels. Without such an allotment, WNVC could be forced to rebuild its public television facility not just once, but twice. Such a requirement would, at the very least, cause a waste of precious resources which could be put to better use in developing

noncommercial programming. Further, as the channels involved fall within both of the future core spectrum options, both WNVC and WVVI(TV), stations with NTSC allotments outside of the core channels, will have certainty as to their final channel assignments at the end of the DTV transition. Accordingly, the stations will have a greater ability to raise the capital which will be needed to make the transition to DTV.

7. Additionally, the substitution of Channel 36 for Channel 57 will eliminate the potential first adjacent channel incompatibility problems anticipated to WNVC's NTSC Channel 56. Because of the technical problems anticipated for a station operating its NTSC and DTV facilities on first adjacent channels, it would be necessary for WNVC to invest in special transmission isolation systems in order to preserve an acceptable signal for its viewers. This additional expense, which would divert funds from other service to the public, could be avoided by the requested substitution.

WHEREFORE, the premises considered, WNVC respectfully requests that the DTV Table of Allotments be amended to substitute Channel 36 for Channel 57 at Fairfax, and to substitute Channel 43 for Channel 36 at Manassas, Virginia.

Respectfully submitted,

CENTRAL VIRGINIA EDUCATIONAL
TELECOMMUNICATIONS CORPORATION

By: 
Harry C. Martin
Anne Goodwin Crump

Its Attorneys

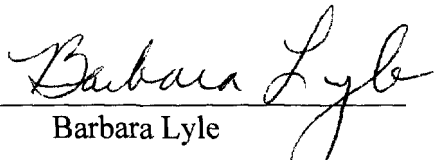
FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Rosslyn, Virginia 22209
(703) 812-0400

October 3, 1997

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Reply to Opposition to Supplement to Petition for Reconsideration and Clarification" was sent this 3rd day of October, 1997, by first-class United States mail, postage prepaid to:

John R. Feore, Jr., Esquire
Dow Lohnes & Albertson, P.L.L.C.
Suite 800
1200 New Hampshire Avenue, NW
Washington, D.C. 20036-6802
Counsel for Paxson Communications Corporation



Barbara Lyle

ENGINEERING STATEMENT
ON BEHALF OF
CENTRAL VIRGINIA EDUCATIONAL
TELECOMMUNICATIONS CORPORATION
WNVC(TV), CHANNEL 56, FAIRFAX, VIRGINIA
RE PAXSON COMMUNICATIONS CORPORATION
OPPOSITION IN MM DOCKET 87-268

OCTOBER 1997

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

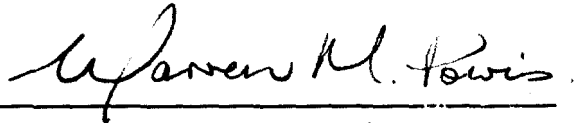
Warren M. Powis, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer of the University of Canterbury, New Zealand, a Registered Professional Engineer in the District of Columbia, the State of Virginia, the State of South Carolina, and Vice President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005; previously employed for 15 years with the New Zealand Broadcasting Corporation; a member of the Institution of Professional Engineers New Zealand (IPENZ), the Association of Federal Communications Consulting Engineers (AFCCE), and the National Society of Professional Engineers (NSPE).

That his qualifications are a matter of record in the Federal Communications Commission;

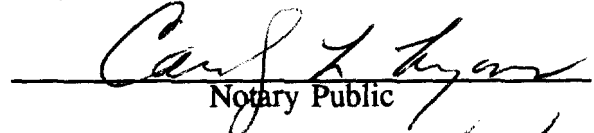
That the attached engineering report was prepared by him or under his supervision and direction and,

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.



Warren M. Powis
District of Columbia
Professional Engineer
Registration No. 8339

Subscribed and sworn to before me this 2nd day of October, 1997.


Notary Public

My Commission Expires: 2/28/98

This engineering statement has been prepared on behalf of Central Virginia Educational Telecommunications Corporation, licensee of non-commercial educational television station WNVC(TV), Channel 56, Fairfax, Virginia, in response to the Opposition to Supplement to Petition for Reconsideration filed by Paxson Communications Corporation, parent of the licensee of television station WVVI(TV), Channel 66, Manassas, Virginia.

In its Supplement to Petition for Reconsideration of the Sixth Report & Order in MM Docket 87-268, WNVC requested a change in its DTV allotment from Channel 57 to Channel 36; with the corresponding change in WVVI's DTV allotment from Channel 36 to Channel 43.

WNVC Concerns

As a non-commercial educational television station, WNVC is very concerned that it would be forced into the purchase of a third set of transmission equipment since both its NTSC Channel 56 and DTV Channel 57 allotments are located outside the future "core spectrum". In addition, much greater expenses would be involved with the construction of first-adjacent channel NTSC/DTV operations and the associated special isolation systems. Furthermore, WNVC is concerned about first-adjacent channel DTV to NTSC interference since the FCC planning factors for the first-adjacent NTSC/DTV operations are not reflected by actual DTV transmitter tests performed in 1996. Accordingly, WNVC could be required to operate as DTV station

well below its assigned level of 50 kW in order to resolve interference to its Channel 56 NTSC operation.

WNVC Search for Alternate DTV Channels

After an exhaustive search of the TV spectrum, WNVC determined that the only "core" option that existed for its Merrifield transmitting site is Channel 36.

WNVC recognized that commercial station WVVI which operates on NTSC Channel 66 is also outside of the "core spectrum". Accordingly, WNVC attempted to find an alternate "core" DTV allotment; one which would not work at the WNVC Merrifield site, assuming approximate minimum co-channel NTSC/DTV co-channel spacings of around 150 km. Table I attached depicts several such minimum spacings extracted from the Commission's Sixth Report & Order in MM Docket No. 87-268.

Assuming similar short-spacings as used by the Commission, WNVC found alternate Channel 43 for WVVI. In fact, the proposed WVVI to WPMT spacing of 151.3 km is only 0.7 km different from the Commission's proposed WNVC Channel 56 NTSC/WCPB Channel 56 DTV spacing of 152.0 km.

Accordingly, WNVN requested the FCC to consider the two DTV "core" channel options for WNVC and WVVI to be processed utilizing the same ground rules utilized by the Commission in adopting its DTV Table in the Sixth Report & Order.

Paxson suggested that any requests to amend the DTV Table of Allotments must not result in new interference to other broadcasters. If this approach had been strictly adopted by the FCC in the Sixth Report and Order, a second DTV channel for

every television station within the United States would have been impossible. Paxson suggested that WNVC should demonstrate why DTV Channel 43 is not available for itself. A simple technical search by Paxson would have revealed that co-channel NTSC station WPMT, York, Pennsylvania, is located only 138.8 km from WNVC, well below any of the co-channel spacings identified in the attached Table I.

In the Sixth Report and Order, Paragraph 85, the Commission stated as follows:

" . . . We noted that any plan that provides all eligible broadcasters with a new DTV allotment will unavoidably result in some degree of interference to both NTSC and DTV stations . . . "

As such the Commission has itself recognized that during the transition phase, some degree of predicted interference would result between the DTV and NTSC TV stations.

Furthermore, the criteria for amending the DTV Table of Allotments adopted in the Sixth Report and Order concerning minimum separation requirements and interference showing is only applicable for new allotment after the transition period. The proposed DTV allotments are a slight modification of the Commission's initial DTV channel allotment plan.

Conclusion

Paxson Communications Corporation's opposition to supplement to the petition for reconsideration of the Sixth Report and Order filed by Central Virginia Educational Telecommunications Corporation is based on assumptions which are not applicable to the allotment plan to implement digital television (DTV). The minimum separation requirement between transmitter sites, allotment changes, and zero interference threshold are for allotment change after the transition period. Certainly, the FCC did not rely on either of these minimum thresholds to assign a second television channel. Additionally, the requirement of no additional interference to other stations at this point in the digital conversion proceedings is not relevant.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I
TYPICAL MINIMUM NTSC/DTV CO-CHANNEL SPACINGS
ABSTRACTED FROM THE SIXTH REPORT AND ORDER
IN MM DOCKET NO. 87-268
OCTOBER 1997

<u>Channel</u>	<u>NTSC</u>	<u>DTV Allotment</u>	<u>Co-Channel Spacing km</u>
4	WRC-TV, Washington, DC	WHP-TV, Harrisburg, PA	157.1
6	WTVR-TV, Richmond, VA	WTTG, Washington, DC	158.0
15	WLYH-TV, Lancaster, PA	WTMW, Arlington, VA	156.1
27	WHTM-TV, Harrisburg, PA	WETA-TV, Washington, DC	150.7
29	WTXF, Philadelphia, PA	WMPB, Baltimore, MD	147.2
33	WITF-TV, Harrisburg, PA	WHMM, Washington, DC	154.8
42	WVPY, Front Royal, VA	WMPT, Annapolis, MD	149.3
54	WNUV-TV, Baltimore, MD	WPHL-TV, Philadelphia, PA	155.0
56	WNVC, Fairfax, VA	WCPB, Salisbury, MD	152.0
67	WMPB, Baltimore, MD	WCAU, Philadelphia, PA	147.5
43	WPMT, York, PA	WVVI*, Manassas, VA	151.3

*Proposed alternate channel for WVVI.